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HUMAN RIGHTS OF INDIGENOUS PEOPLES

Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 1999]

GE.99-13898 (E)

1. The Society for Threatened Peoples would like to draw the attention of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to the report of the Special Rapporteur on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (decision 1998/107) which may be finalized when the thirty-seventh session of the Working Group on Indigenous Populations will take place.

2. First of all, we would like to thank and congratulate the honourable member of the Working Group, Mr. Alfonso Martinez, for the work he has carried out over a period of nine years. His study has facilitated a better comprehension and better protection of indigenous peoples. The study provided the opportunity to see new dimensions of the issues affecting indigenous peoples. Therefore indigenous representatives have appreciated the study on treaties and its results, particularly regarding indigenous peoples living in countries with a colonial background.

3. Apart from this general appreciation, the Society for Threatened Peoples would like to mention its concerns on some aspects of the study. In particular, the element of identification of indigenous peoples needs some comment. Obviously, the colonial background has led the Special Rapporteur not to find and not to identify indigenous peoples in certain areas on the Asian and African continents, although indigenous communities do, in fact, exist there. To mention only a few examples:

> If land is a reliable criteria for defining indigenous peoples, the Adivasi in India are indeed indigenous peoples, although some tribal land rights were governed not by written documents but by customs and traditions. Even now in the north-east region of India, the land revenue system prevailing in non-tribal areas is not applicable to tribal dominated states and districts.
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> There is written evidence indicating indigenous peoples in India, when, for example, the colonial rulers directly acknowledge the indigenous identity of their colonial subjects (see C.U. Aitchinson: Treaties, Engagements and Sanads relating to India and Neighbouring Countries, Calcutta 1930). There are more documents available.
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> Additionally, in a number of places all over India prehistoric rock art can be found, for example, rock paintings in Hazaribagh (State of Bihar). The local communities claim that these rock paintings were painted by their ancestors. Present-day traditions of house painting among those communities are strikingly similar to the ancient rock art. This tradition is alive, too, in the Bhopal region of Madhya Pradesh, where it may be traced to the pre-historic rock paintings of Bhimbetka. The Warli mud paintings of Dahanu in Maharashtra may be traced to the pre-historic cave paintings of Raisen in Madhya Pradesh. In addition,

there are numerous archaeological sites yielding stone age artefacts. Apparently, all such kinds of information have so far not been duly considered.

4. Therefore, we feel it premature if the study at its current stage should come to a definitive conclusion about who should be considered as indigenous. We would suggest that a further study be carried out in order to detect the extended mosaic of peoples like the Adivasi, to grant them protection and a legal framework to safeguard their basic human rights. Furthermore, we offer our support for this monumental task. Thank you for considering our concerns.